

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CHELAN

Timothy Borders, et al.,

Petitioners,

v.

King County and Dean Logan, its Director of
Records, Elections and Licensing Services, et al.,

Respondents,

v.

Washington State Democratic Central
Committee,

Intervenor-Respondent,

v.

Libertarian Party of Washington State et al.,

Intervenor-Respondents.

No. 05-00027-3

**DECLARATION OF HARRY
KORRELL**

HARRY KORRELL declares as follows:

I am an attorney at Davis Wright Tremaine LLP, attorneys of record for Timothy Borders et al., ("Petitioners"). I make the statements in this declaration based on personal knowledge, and if called and sworn as a witness in any proceeding, could and would testify competently thereto.

DECLARATION OF HARRY KORRELL- 1

SEA 1648475v1 55441-4

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1 Attached hereto as Exhibit A is a true and correct copy of my May 11, 2005 letter
2 to all counsel regarding information recently disclosed by King County regarding
3 provisional ballot voters.

4 I declare under penalty of perjury under the laws of the State of Washington that
5 the foregoing is true and correct to the best of my knowledge and belief.

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7 Executed at Seattle, Washington, this 18th day of May, 2005.

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10 _____
11 HARRY KORRELL
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May 11, 2005

Re: Borders et al. v. King County, et al
Chelan County Cause No. 05-2-00027-3

Dear Counsel:

As you know, King County previously released a spreadsheet indicating that 348 provisional ballots were cast directly into Accuvote machines at polling places. After Petitioners had completed their direct examination at Mr. Logan's deposition, King County produced a new report regarding provisional ballots, this one indicating that another 437 provisional ballots were improperly cast into Accuvote machines. King County later provided supporting documents relating to this spreadsheet. During the course of the recent King County depositions and particularly the May 5 deposition of Colleen Kwan, the author of the spreadsheet identifying the 437 provisional ballots, it has become apparent that many of these provisional ballots were likely cast by persons who cast more than one ballot.

We served a subpoena yesterday seeking copies of the relevant poll book pages, absentee ballot envelopes, and provisional ballot envelopes to confirm that many of these provisional ballots were cast by people voting more than once.

Both provisional ballots cast directly into the Accuvote machines and votes by persons casting more than one ballot were disclosed as categories of illegal votes in Petitioners' list of challenged votes, provided on April 15. For the provisional ballots, Petitioners provided all the information that was then available, including the identity of over 300 persons then identified by King County as having cast provisional ballots directly into Accuvote machines, and 549 precincts with reconciliation discrepancies indicating at least 1,156 ballots may have been cast unlawfully. It may be that this new information from King County means that there are additional provisional ballots identified by King County as being improperly cast. This information probably does not increase the highest number already disclosed by Petitioners of provisional ballots improperly cast (1,156). However, it almost certainly means that there will be additional names of people who cast more than one ballot.

Counsel
May 11, 2005
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I write to put you all on notice that this newly revealed information will be included in the evidence petitioners intend to submit to the court.

Very truly yours,

Davis Wright Tremaine LLP

Harry J. F. Korrell

HJFK:cg
Enclosure

cc: All counsel of record